

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
SOUTHEASTERN DIVISION

United States of America,)	
)	
Plaintiff,)	ORDER GRANTING MOTION TO
)	CONTINUE TRIAL
vs.)	
)	Criminal No. 3:12-cr-119-01
Charles William Carlton,)	
)	
Defendant.)	

Before the Court is a motion to continue trial brought by Charles William Carlton (Doc. #78). Trial in this matter is currently set for July 23, 2013. In his motion, Carlton contends that he requires additional time to retain a significant number of experts, as well as to review extremely complex discovery. Counsel for Carlton has addressed the matter directly with the Court and has outlined the specific experts he intends to retain, the timeline for their retention, and the necessity of their services to the defense in this case. The United States resists Carlton's motion contending that no good cause has been shown for a continuance (Doc. #80).

The Court has fully considered the position of both parties, as well as the entire record in this matter. While somewhat unusual to grant a continuance this far in advance of the trial date, the Court finds that Carlton's motion is well-founded. Significant work remains for the defense to coordinate its work with experts, as well as to prepare and analyze the findings they will make. Simply put, the extensive work yet required by the defense in developing its theory of the case makes the current date of trial infeasible. A continuance in this case is warranted under the circumstances.

A court may exclude periods of time from consideration under the Speedy Trial Act if it

determines that the ends of justice outweigh the best interests of the public and defendant in having a speedy trial. United States v. Stackhouse, 183 F.3d 900, 901 (8th Cir. 1999); 18 U.S.C. § 3161(h). An ends-of-justice continuance may be justified on the grounds that one side needs more time to prepare for trial. United States v. Dota, 33 F.3d 1179, 1183 (9th Cir. 1994); 18 U.S.C. § 3161(h)(7)(B)(iv). The Court recognizes that a significant amount of preparation is necessary on the significant charges in this case, and therefore, a continuance outweighs the defendant's best interests in a speedy trial.

The date of trial in this case is continued until a date to be determined. Based on information received from defense counsel, the Court should have a more accurate understanding on the timeline in this case by mid-May, at which time a new trial date will be set. Carlton is directed to submit a new speedy trial waiver in connection with this Order. **IT IS ORDERED** that the period of delay commencing from the date of this Order until the date of the trial shall be excluded from the calculation of time for purposes of the Speedy Trial Act, 18 U.S.C. § 3161.

IT IS SO ORDERED.

Dated this 10th day of April, 2013.

/s/ Ralph R. Erickson
Ralph R. Erickson, District Judge
United States District Court